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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,399	02/10/2004	Patrick N. Hopkins	DP-310788	8869

7590 08/19/2005

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EXAMINER

NGUYEN, XUAN LAN T

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,399

Applicant(s)

HOPKINS ET AL.

Examiner

Lan Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-10 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-10 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hodgson et al. (USP 5,029,823).

Re: claim 6, Hodgson et al. show a hydraulic mount in figure 2, as in the present invention, comprising: a body 12 having a first fluid chamber 32 and a second fluid chamber 44; and a decoupler sub-assembly 50, 60, 52 interposed between and partially defining the first and second fluid chambers, the decoupler sub-assembly comprising first 50 and second 52 flexible decoupler members operatively sealed together to form a third fluid chamber 54, as shown; a second fluid, electro-rheological fluid, located in the third chamber; and a first fluid, glycol, located in the first and second chambers. First, the Examiner takes an Official Notice that electro-rheological fluid and magneto-rheological fluid are well recognized in the art of dynamic dampening as equivalent working fluids. Hodgson shows the electro-rheological fluid to be located in the third chamber, and glycol to be located in the first and second chambers while claim 6 requires a magneto-rheological fluid to be located in the first and second chambers, and glycol to be located in the third chamber. It would have been obvious to one of ordinary

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skill in the art at the time the invention was made to have reversed the locations of the fluids in Hodgson's hydraulic mount to comprise an electro-rheological fluid to be located in the first and second chambers, and glycol to be located in the third chamber, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

Re: claim 18, Hodgson shows plate 60 to be a perforated plate.

Re: claim 7, Hodgson et al. show a hydraulic mount in figure 2, as in the present invention, comprising: a body 12 having a first fluid chamber 32 and a second fluid chamber; glycol located in the first and second fluid chambers; and a decoupler sub-assembly 50,60,52 interposed between and partially defining the first and second fluid chambers, the decoupler sub-assembly comprising: first 50 and second 52 flexible decoupler members operatively sealed together to form a third fluid chamber 54; a perforated plate 60 interposed between the first and second decoupler members in the third fluid chamber; a passage 48 in fluid communication with the first fluid chamber and the second fluid chamber such that the glycol can pass between the first and second fluid chambers; an electrode 56, 58 that is operable to produce an electric field when energized; and an electro-rheological fluid located in the third fluid chamber. Hodgson lacks the magneto-rheological fluid for the first and second chambers, a coil and a hydraulic fluid for the third chamber. First, the Examiner takes an Official Notice that electro-rheological fluid and electrodes and magneto-rheological fluid and coils are well recognized in the art of dynamic dampening as equivalent working fluids and activators. Hodgson shows the electro-rheological fluid to be located in the third chamber, and

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glycol to be located in the first and second chambers while claim 7 requires a magneto-rheological fluid to be located in the first and second chambers, and glycol to be located in the third chamber. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have reversed the locations of the fluids in Hodgson's hydraulic mount to comprise an electro-rheological fluid to be located in the first and second chambers, and glycol to be located in the third chamber, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

Re: claims 8 and 10, Hodgson shows the perforated plate 60 is spaced apart from members 50 and 52.

Re: claim 9, Hodgson shows plate 60 with holes 66 in figure 3.

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

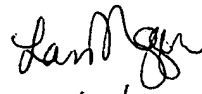
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on M-F, 8 to 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Nguyen
Primary Examiner
Art Unit 3683


8/16/05